

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HLV, LLC, a Michigan limited liability
company, LANDWORTHY CONTAINER,
LLC, a Michigan limited liability company,
and ROBERT BAKER, an individual,

Plaintiffs,

-vs-

Case No: 1:13cv1366PLM
Honorable Paul L. Maloney

VAN BUREN COUNTY, a municipal
corporation, VILLAGE OF PAW PAW,
a municipal corporation, PAGE & STEWART,
an ad hoc professional partnership, KELLY
PAGE, an individual, GARY STEWART, JR.,
an individual, PAUL HAMRE, an individual,
PEGGY GROTE, an individual, MICHAEL
MCKAY, an individual, and MICHAEL
BEDFORD, an individual,

Defendants.

Jordan C. Hoyer (P75659)
Derek S. Witte (P68329)
Attorneys for Plaintiffs
LAW OFFICE OF JORDAN C HOYER
40 Pearl St., NW, Suite 924
Grand Rapids, MI 49503
(616) 350-9924
jch@jordanhoyerlaw.com
derek@jordanhoyerlaw.com

Donald D. Campbell (P43088)
Colleen H. Burke (P63857)
COLLINS EINHORN FARRELL
Attorneys for Kelly Page
4000 Town Center, Suite 909
Southfield, MI 49075-4141
(248) 351-5426
Donald.Campbell@ceflawyers.com
Colleen.Burke@ceflawyers.com

James E. Tamm (P38154)
O'CONNOR DEGRAZIA TAMM O'CONNOR
Attorney for Defendant Michael McKay
40701 Woodward Ave., Suite 105
Bloomfield Hills, MI 48304
(248) 433-2000
jetamm@odtlegal.com

Robert A. Callahan (P47600)
PLUNKETT COONEY
Attorney for Defendants Village of Paw Paw
and Gary Stewart
950 Trade Center Way, Suite 310
Kalamazoo, MI 49002
(269) 226-8856
rcallahan@plunkettcooney.com

Michael S. Bogren (P34835)
PLUNKETT COONEY
Attorney for Defendants Van Buren County,
Paul Hamre and Peggy Grote
950 Trade Center Way, Suite 310
Kalamazoo, MI 49002
(269) 226-8856
mbogren@plunkettcooney.com

George Michael. DeGrood, III (P33742)
Michelle A. Thomas (P35135)
THOMAS DEGROOD & WITENOFF
Attorneys for Michael Bedford
400 Galleria Officentre, Suite 550
Southfield, MI 48034
(248) 353-4450
gdegrood@thomasdegrood.com
mthomas@thomasdegrood.com

Lee T. Silver (P36905)
SILVER & VAN ESSEN
Attorney for Defendant Gary Stewart
300 Ottawa Ave., NW, Suite 620
Grand Rapids, MI 49503
(616) 988-5600
ltsilver@silvervanessen.com

DEFENDANT GARY STEWART'S BRIEF IN RESPONSE
TO PLAINTIFFS' COUNSEL'S MOTION TO
WITHDRAW REPRESENTATION

Defendant Gary Stewart does not oppose Plaintiffs' counsel's request to withdraw their representation as counsel of record in this lawsuit. Defendant Gary Stewart does not concur with the request to stay the case for 60 days for Plaintiffs to line up substitute counsel.

This lawsuit has been pending before this Court since December, 23, 2013. Plaintiffs were afforded the opportunity to file an amended complaint. Extensive briefing and argument has been presented to this Court in response to Plaintiffs' original and amended complaints. Ultimately, this Court granted Defendant Gary Stewart's motion to dismiss Plaintiffs' complaint. This Court did allow Plaintiffs the opportunity to file an amended complaint on Plaintiffs' conspiracy to violate 42 U.S.C. §1983, as originally alleged against Defendants Stewart, Kelly Page, and "Page & Stewart, an ad hoc professional partnership." As set forth in Plaintiffs' counsel's brief in support of motion, four months ago Plaintiffs were advised that present counsel's representation would terminate following this Court's issuance of its decisions on the various motions to dismiss then pending in this case. Moreover, it is represented that on more than one occasion, Plaintiffs, and their attorneys in the related collection action, were advised of the withdrawal as counsel, and Plaintiffs need to line up substitute counsel. Consequently, Plaintiffs have had at least four months to

find substitute counsel, but have not done so. To make matters worse, Plaintiffs apparently have refused to communicate with their present counsel of record.

M.R.P.C. 1.16 addresses the issue at hand before this Court. This Rule of Professional Conduct, in pertinent part, references considerations for the client not experiencing “material adverse effect” on that client’s interest, and protecting a client’s interest. See M.R.P.C. 1.16(b), (d). By all accounts, four months ago Plaintiffs’ present counsel of record embarked upon this endeavor to serve these interests as set forth in the Michigan Rules of Professional Conduct.

It must be acknowledged the interests of the Defendants before this Court must also be taken into account in the further scheduling of proceedings in this lawsuit. An additional 60 days for Plaintiffs to find substitute counsel, and then to have that substitute counsel enter an appearance on Plaintiffs’ behalf, is excessive in light of Plaintiff’s actions, or accurately inactions, to date. It is respectfully submitted that this Court, in the exercise of its discretion in balancing the interest of all parties to this lawsuit, should allow Plaintiffs until Friday, August 21, 2015, to engage substitute counsel, and for that substitute counsel enter their appearance in place of present counsel of record for Plaintiffs. It is further submitted this Court, in the exercise of its discretion in balancing the interest between all parties, should stay **all** deadlines in this lawsuit, including the deadline for co-Defendant Village of Paw Paw to file its motion for sanctions pursuant to Fed. R. Civ. P. 11.

Dated July 20, 2015

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Robert A. Callahan
Robert A. Callahan (P47600)
Attorney for Defendant Stewart
950 Trade Centre Way, Suite 310
Kalamazoo, MI 49002
Direct Dial: 269/226-8856

Open.00560.40061.15704075-1